

**United States District Court**  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LINDRA I. JACKSON

v.

SMALL BUSINESS  
ADMINISTRATION, ISABELLA  
CASILLAS GUZMAN, and UNITED  
STATES OF AMERICA

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CIVIL ACTION NO. 3:22-CV-986-S-BH

**ORDER**

The United States Magistrate Judge made findings, conclusions and a recommendation (“FCR”) in this case. Objections were filed, and the Court has made a de novo review of those portions of the proposed findings, conclusions and recommendation to which objection was made.


The plaintiff correctly points out that although the FCR states that she only names the Small Business Administration (“SBA”) and administrator as defendants, her Third Amended Complaint does name the United States as a defendant. ECF No. 62. To the extent that her general request for monetary damages under the Federal Tort Claims Act (“FTCA”) may be construed as asserting an FTCA claim against the SBA and administrator, the FCR correctly finds the claim against them must be dismissed for want of jurisdiction. *See Galvin v. OSHA*, 860 F.2d 181, 183 (5th Cir. 1988). Because she has still not shown by a preponderance of the evidence that she exhausted her administrative remedies by filing an administrative claim with the SBA, the FCR also correctly finds that Court lacks jurisdiction over any FTCA claim against the United States. *See McAfee v. 5th Circuit Judges*, 884 F.2d 221, 222-23 (5th Cir. 1989) (per curiam).

Accordingly, the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Defendants’ Motion to Dismiss, filed August 8, 2022 [ECF No.

70], is **GRANTED in part**. Plaintiff's Motion for Preliminary Injunction, filed May 9, 2022 [ECF No. 15], and Plaintiff's Emergency Motion for Default Judgment by Sanction for Failure to Serve Answers to Interrogatories, filed August 30, 2022 [ECF No. 88], are **DENIED**. By separate judgment, the plaintiff's claims against the defendants will be **DISMISSED without prejudice** for lack of subject-matter jurisdiction.

**SO ORDERED.**

SIGNED January <sup>26</sup>/<sub>27</sub>, 2023.

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UNITED STATES DISTRICT JUDGE